

Department of Behavioral Health
TRANSMITTAL LETTER

SUBJECT

Language Access for Individuals with Limited or No-English Proficiency

POLICY NUMBER

DBH Policy 500.1B

DATE

JUN 19 2018

TL#

313

Purpose. The purpose of this policy is to ensure equal access and participation in the Department of Behavioral Health (DBH) public services, programs and activities for individuals who have Limited English Proficiency (LEP) or No-English Proficiency (NEP). The changes in this revision are as follows:

Under definitions (section 4), added video for Oral interpretation

6a (5) – changed Compliance training from annual to every two years

9a - added Ombudsman Office for internal complaints

Applicability. DBH and DBH licensed, certified and/or contracted behavioral health (mental health and substance use disorders) providers with a human care agreement.

Policy Clearance. Reviewed by affected responsible staff and cleared through appropriate Behavioral Health Authority (BHA) offices and providers.

Effective Date. This policy is effective immediately.


Superseded Policies. This policy replaces DBH Policy 500.1A, same subject, dated September 28, 2016.

Distribution. This policy will be posted on the DBH web site in PDF format at www.dbh.dc.gov by clicking “About DBH” (top section), then choosing “Policies and Rules” and following the policy number. The WORD version is available upon request from the Policy Division, emails: keri.nash@dc.gov or ana.veria@dc.gov.

Applicable entities are required to ensure that affected staff is familiar with the contents of this policy.



Tanya A. Royster, M. D.
Director, DBH

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DEPARTMENT OF BEHAVIORAL HEALTH	Supersedes 500.1A, same title, September 28, 2016		

Subject: Language Access for Individuals with Limited or No-English Proficiency

1. **Purpose.** The purpose of this policy is to ensure equal access and participation in the Department of Behavioral Health (DBH) public services, programs and activities for individuals who have Limited English Proficiency (LEP) or No-English Proficiency (NEP).

2. **Applicability.** DBH and DBH licensed, certified and/or contracted behavioral health (mental health and substance use disorders) providers with a human care agreement.

3. **Authority.** Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq.; DC Act 15-414, Title 22A DCMR, Chap. 34, § 3410, Section (a)(2) of DC Language Access Act of 2004; Procurement Practices Human Care Agreement Amendment Act of 2000 (D.C. Law 13-155); the Establishment of the Department of Behavioral Health Act of 2013; 22A DCMR Chapter 34 Mental Health Rehabilitation Services (MHRS) Provider Certification Standards; and 22A DCMR Chapter 63 Certification Standards for Substance Use Disorder Treatment and Recovery Providers.

4. **Definitions.**

DBH Provider – for purposes of this policy, an organization certified by DBH who has a human care agreement to provide mental health rehabilitation services (MHRS) or Substance Use Disorder (SUD) services.

Limited English Proficiency or No-English Proficiency – the inability to adequately understand or express oneself in the spoken or written English language.

Ombudsman – the individual responsible for administering the Behavioral Health Ombudsman Program, a program established by the South Capitol Street Memorial Amendment Act of 2012, to provide District residents with assistance in accessing behavioral health programs and services.

Oral Language Services – the provision of oral information necessary to enable limited or no-English proficiency residents to access or participate in programs or services offered by a covered entity. Oral language services may include placement of bilingual staff in public contact positions, the provision of experienced and trained staff interpreters, contracting with telephone and video interpreter programs, contracting with private interpreter services, and using interpreters made available through community service organizations that are publicly funded

Vital Documents – applications, notices, complaint forms, legal contracts and other legal documents, outreach materials published by a covered entity in a tangible format that inform individuals about their rights and responsibilities or eligibility requirements for benefits and participation.

5. **Policy.** It is the policy of DBH that all individuals that receive services and supports as a part of the DBH service delivery system or participate in DBH sponsored events have access to and receive language access services that meet their individual needs, including written and oral translations appropriate to their specific language needs.

6. **Responsibilities and Procedures.**

6a. DBH shall:

(1) Designate a Language Access Coordinator who is responsible for DBH compliance with the DC Language Access Act of 2004.

(2) Coordinate language services for events under the auspices of DBH (also see Section 7 below).

(3) Arrange for translation of vital documents.

(4) Ensure public notices regarding language access services are posted in regularly encountered languages in waiting rooms, reception areas, and other initial points of contact at DBH facilities and DBH provider sites; and ensure the public is informed about the availability of language assistance by using language identification cards such as "I Speak" in all facility reception areas.

(5) Require DBH personnel in senior management positions and public contact positions to complete Language Access Compliance Training every two years on how to provide ongoing language access services. New hires who will serve in public contact positions must receive Language Access Compliance Training as a component of the training requirements.

(6) Require all DBH providers to have a viable language access policy. The DBH Language Access Coordinator shall work to ensure all service providers comply with the language access requirements and receive compliance training.

(7) As a part of the contractual agreement with the agency, each DBH provider must sign a Language Access Agreement that is renewed at each contract period.

6b. DBH Language Access Coordinator and Team shall:

(1) Review each DBH provider's written policy regarding language access to ensure compliance with this policy, and ensure that consumers can communicate effectively with the selected provider.

(2) Conduct a minimum of one (1) outreach activity each fiscal year, such as public information sessions to inform consumers of their language access rights, and include the

date(s) of outreach, a description of the outreach, location of outreach, and the groups targeted in the quarterly report to the DC Office of Human Rights.

(3) Review DBH language access needs every two (2) years, and develop and implement the Biennial Language Access Plan as required by the DC Office of Human Rights, Office of Language Access Programs.

6c. DBH Providers shall:

(1) Establish and maintain a viable language access policy and procedures on how to access and provide the appropriate language service for individuals who have an identified need for such assistance in order to ensure full participation and understanding of services.

(2) Arrange for the provision of language access services at no cost to Limited or Non-English proficient consumers. Provide a quarterly report on the number of enrolled consumers who receive language access services to the DBH Language Access Coordinator. This information shall include the following:

a. The number of individuals who have LEP and NEP served or encountered per quarter and languages spoken.

b. The frequency with which individuals with LEP and NEP who come into contact with the DBH provider.

c. The number and type of languages spoken by agency staff.

(3) Document primary language information in consumer's clinical record at the point of entry, if known, with notations on how to engage the person in communication if unknown.

(4) Provide annual language access training for all public contact staff (employees who regularly come into contact with the public) on how to provide ongoing language services.

(5) Immediately advise the DBH Language Access Coordinator when unable to meet language access needs. The Coordinator shall notify the DBH Director/designee of the issues as they arise.

7. DBH Sponsored Events. DBH shall provide language services for events under the auspices of DBH. DBH offices shall contact the Language Access Coordinator or designee at 202-673-7690 to request the type of language access service required to ensure effective communication for individuals who are Limited or Non-English proficient.

8. Translation of Documents. The DBH Language Access Coordinator shall be contacted for translation of documents.

9. Language Access Complaint Process.

9a. Informal complaints. Written or oral language access complaints may be filed informally within DBH through the Ombudsman or the Language Access Coordinator (Formal complaints are addressed in see section 9b). The Language Access Coordinator is responsible for investigating and addressing the complaint within ten (10) business days. An additional five (5) business-day extension for extenuating circumstances may be granted by the DBH Director/designee.

Ombudsman Office Tel. #: 1 (844) 698-2924

(1) The Language Access Coordinator shall provide a summary of the investigation and recommendations to resolve the claim or an explanation of why the claim could not be substantiated to the DBH Director.

(2) If an investigation indicates an agency failure to provide effective language access, the DBH Director/designee shall inform the recipient and mediate a resolution by informal means within ten (10) business days.

(3) If the claim could not be substantiated, the Language Access Coordinator shall provide written explanation to the consumer.

(4) Individuals that are not satisfied with the resolution at the DBH level can file a formal complaint with the DC Office on Human Rights (see Section 9b below), or a consumer may file a grievance (section 9c).

9b. Formal complaints. Individuals may file a formal complaint regarding language access issues with the DC Office on Human Rights. The Language Access Complaint form and process can be downloaded at <http://ohr.dc.gov> or by contacting the DC Office of Human Rights at (202) 727-4559. Formal complaints are investigated by the DC Office on Human Rights. Upon notification, the DBH Language Access Coordinator shall immediately report all formal complaints to the DBH Director and Chief of Staff. Information regarding all formal complaints in each quarter shall be included in the quarterly report.

9c. Grievances. Consumers may also file a grievance at any time in accordance with the DBH Consumer Grievance Procedures in 22A DCMR Chapter 3, through the DBH consumer grievance program called FAIR¹ through which a consumer can voice his or her complaints or concerns if the consumer believes his or her rights have been denied or he or she was treated unfairly.

9d. The DBH Language Access Coordinator shall report all language access complaints received in the fiscal year as indicated in the DC Language Access Act in the fourth (4th) quarter report to the DC Office of Human Rights.

¹ DBH Grievance and Dispute Resolution Procedure FAIR (Finding Answers, Improving Relationships).
Contact: Office of Consumer and Family Affairs: (202) 673-4377 and Fax (202) 673-1933

10. **Monitoring.** Each agency's language access plan shall include periodic compliance monitoring with the District's Language Access Act and an assessment of needed changes.

11. **Compliance.** Each DBH provider shall meet the language access compliance requirements in the Human Care Agreement.

12. **Inquiries.** Questions regarding this policy may be addressed to the DBH Language Access Coordinator at (202) 673-7690.

Approved by:

**Tanya A. Royster, MD
Director, DBH**


(Signature)

 6/19/2018
(Date)